

State of New York
County of Fulton
Town of Caroga

Minutes of a Caroga Town Board meeting held Wednesday July 12, 2023 at the municipal building located at 1840 State Highway #10 at 6:00 pm with the following persons in attendance by roll call. The flag salute followed.

Supervisor Scott Horton - Here
Council Member John Glenn – Here
Council Member Barbara Deluca – Here
Council Member Richard Sturgess – Here
Council Member Donald Travis – Here

Tor Shekerjian – Confidential Secretary to the Supervisor facilitated the hybrid meeting using Zoom. Also, in attendance were, Leigh Anne Loucks – Sole Assessor, Planning Board Member Karen Dutcher, Howard Dutcher Dog Control Officer, Ralph Palcovic Caroga Tourism Commission (CTC) Member, Jeremy Manning – Bike Trail Coordinator & CTC Member, Walter Hogan Weed Harvesting Coordinator, BTI Director Mike Kunath and Marcus Harazin Lakes Management Committee. There were 29 members of the public in attendance plus 17 people were on using Zoom.

Supervisor Horton announced the first order of business was to conduct three public hearings. The first hearing is on the Land Swap. It is for 8000 square feet of property the town has been using. Supervisor Horton stated it can be used for the construction project to put up the maintenance shed so the building will be 30 feet away from the property line as required by code. The property owner is in agreement of the land swap.

Anita Long thought it was important to elaborate on what this land swap is. It is important to recognize that it is part of a larger project. She stated she was here to speak on behalf of the voice of the people. She thought previously people had expressed a lot of concern about the price, and the size of this project, that it does not fit with the needs of the people, and has asked the board to step back to make changes and adaptations. She urged the board to reconsider. Now is the time to step back and not keep advancing with this building project. It is also important to recognize that with any conveyance/transfer of land that New York town law empowers the people to petition the board for a referendum on any land transfers. She stated the people have a right to petition to have a vote on any land that is transferred out of the Town of Caroga.

Supervisor Horton stated Mrs. Long is correct if the board chooses to go forward with this land swap a notice will be placed in the paper that the resolution is subject to a referendum. That is required by law.

Mrs. Corr agreed with Anita Long to the extent that there has been a lot of concern about the project in its entirety and the need for such an extensive club house. She stated you are asking the public to approve a land swap but she has not seen a map. She wondered what the physical

implications on this might be. She thought more information was needed before making a truly informed decision. She did not feel that was forthcoming.

The supervisor thought this was great. This is why we have public hearings. Supervisor Horton stated again that the town has been using a neighbor's property for as long as he can remember. We have materials on the piece of property right now. We used to have our sand stored on the property. It has been used wrongfully by the town for a long, long time. If we don't do a swap, he thought it would be incumbent on the town to get all our materials off the land and possibly restore it to what it was 20 – 30 years ago. He stated that would be expensive. The property does have use whether there is a use on it or not. It opens up an area for the Highway Department. It is adjacent to our well which services the highway garage. The property would be swapped for a piece of property directly behind the owner's property going toward the creek. If we don't do the swap there will be a cost to the town. It doesn't matter if we go through with the plans the town could still use that property because the maintenance shed which does have to be built to store our equipment would be right on the property line. Supervisor Horton stated town law requires a 30-foot side yard setback. Instead of asking for a variance the homeowner was gracious enough – at no cost to the tax payer, to swap 8000 feet for 8000 feet. It is better for her and her property value and it is better for the town.

At 6:08 pm the public hearing was closed.

The next public hearing was opened on the Caroga Lake Volunteer Fire Company (CLVFC) contract. Brian Macintosh President and Treasurer of the CLVFC. He read a statement showing the history of how we got to this point. In 2021 the CLVFC requested proposals for a needed replacement fire truck to be placed in service in 2024. By spring of 2022 they realized that there would be a steep increase in the cost due to the pandemic, and inflation. The truck budget of \$350,000.00 would be far short of where it needed to be. Last fall a purchase contract was signed for \$455,000.00 to avoid an additional \$30,000.00 price increase. With the add on's that always occur when the truck arrived Mr. McIntosh stated they are \$110,000.00 short.

In February Mr. McIntosh requested a meeting with Supervisor Horton to discuss ways to handle this shortfall. The options are few. They can do a loan with a 2% annual increase. That would cost the taxpayers of the town \$117,878.00. They could do a smaller loan with a 5% increase that would cost the taxpayers of the town \$106,262.00. Or they could do a one-time 5% increase and a one-time assistance which would cost the town \$84,700.00. This would equal out to approximately \$0.51 per thousand in additional taxes. The other option is a grant request. They are working on a grant request and have submitted a request for the money. But there are no guarantees. In the February meeting Supervisor Horton and Council Member Sturgess discussed the best way to handle the shortfall. They also discussed the annual increase of 5% year to year.

On April 3 Mr. McIntosh and Mr. Sullivan provided a revised contract to the town, it had a 5% increase and a one-time assistance. Supervisor Horton and Council Member Glenn discussed the costs and Mr. McIntosh and Mr. Sullivan were under the impression that the two board members thought the 5% was a lot but could not see how to provide for the safety of their members and the community for less. The Fire Company asked to be put on the agenda to address the board and have a public hearing scheduled. At the May meeting the contract was not

on the agenda. They received a request after the meeting to add a clause to provide a certificate of insurance to the town. No mention of any other issues. On June 14 Mr. McIntosh was notified the contract would be on the agenda but he had a prior commitment. On July 6th Mr. McIntosh received a letter from Supervisor Horton requesting multiple financial documents just six days prior to this meeting. That was his first indication that the board might have some issues with the proposed contract.

Mr. McIntosh did some tax rate comparisons. He stated you have to apply the equalization rate because the property values are different in the different towns. Currently the rate is \$0.91 per thousand. Compared to another town with an equalization rate of 52% the cost would be \$0.47 per thousand. In Bleecker they are at 100% so the rate is \$0.78 per thousand. Broadalbin is at \$0.31 per thousand, Mayfield is at \$0.39 per thousand, and we are the third lowest at \$0.47. Berkshire is at \$1.62 per thousand. Mr. McIntosh stated we are at the low end. He is not asking the community for a lot of money. He stated our fire tax rate is very low in comparison to others.

Over the years Mr. McIntosh stated the contract increased as follows: in 2010 the tax rate was \$0.86 now it is \$0.91 per thousand. The rate has gone up \$0.05 in 13 years. The contract has gone up 5.45% then for five years it went up 5% and then in the last 5 years the contract has gone up 2%. If a requested 5% rate is put in the rate would increase to \$0.96 per thousand and a onetime hit of \$0.53 or \$1.49 per thousand for one year. Then the rate would go back to approximately \$0.96. If the CLVFC does a short-term loan they would have to charge \$1.08 per thousand and every year going forward. If a longer-term loan it would raise the rate to \$1.42 per thousand. The most cost-effective way is to pay it off today and not pay for interest.

Mr. McIntosh explained how he put together his numbers. He has a spread sheet that goes back to 2008. He projects what the costs are for each year and then the projects them forward for five years. This year he was going to spend \$25,000.00 on ten sets of turnout gear. He might get eight sets this year as the price has gone up beyond what was budgeted. Since 2008 he stated the lowest increase in costs was 4.09%. Every year it has gone up a minimum of 4% yet over the last five years the CLVFC has only charged the town 2%. The new fire house is not included in the rates. Mr. McIntosh noted in 2021 the fire company was broke. There was \$153,000.00 in the bank. With a mortgage payment of \$92,000.00 and expenses of \$70,000.00 to get through the year. He was \$9,000.00 short. It would be OK as contract money was coming in.

Mr. McIntosh noted they budgeted in 2008 for the truck in the amount of \$350,000.00. He signed a contract for \$453,000.00 that excluded the \$2,000.00 down payment. They cannot do without a new truck. They are retiring a 1990 truck. It will be 34 years old when it is replaced. They are required to have one truck in the station under 20 years old. Their current newest truck will be 19 years old next year. They could buy a cheaper truck but they discussed a five-man cab vs a 3-man cab. It would save \$20,000.00. With a larger cab they can get their protective gear on so it is safer for them when they get out of the truck at the scene, and they are providing a better response.

Council Member DeLuca asked in regards to the shortfall, how will this be prevented from happening again in the future. Mr. McIntosh noted the fire company has been investigating

changing to a fire district. Currently the CLVFC contracts with the Towns of Caroga and Bleecker and the Piseco Fire department for protection. The contracts run for five years. The contract can be broken. With a fire district there are other responsibilities. Everything is taken away from the town board. There is no more liability. The Fire district would take the responsibility. Fire commissioners would be elected and they will do the job of taking care of fire emergency services. The district would cover Caroga, ½ of Bleecker, and part of Arietta. They would create the tax rate.

Supervisor Horton reminded Mr. McIntosh that this was a public hearing.

The district would have the ability to raise the rates when there is an immediate need.
(Applause)

Council Member Glenn stated the proposed contract is for five years with a 5% increase each year. Mr. McIntosh confirmed the rate. There would be a one-time lump sum. Mr. McIntosh stated if they do get grant money, they would excuse whatever portion that they get from the town.

Council Member Sturgess asked how the contract talks went with Bleecker and Piseco. He has not met with them yet. They are aware but he does not think there will be a problem. Council Member Sturgess does recall a conversation with Mr. McIntosh but thought it was on a different date.

Supervisor Horton asked what the term length was when he was looking to borrow money. Mr. McIntosh looked at a ten year and a fifteen year. The life of the vehicle is longer but he doesn't think he can get a longer rate. Supervisor Horton thought it was important to note that there are two parts to this. One is inflation, the supervisor thanked him for the financials. It was at the attorney's suggestion to get them so the board is well informed. Another thing the public should know is what the fire company is experiencing is not unique. The county is also struggling since COVID hit in 2020. Inflation has been rampant. He doesn't think anything could have been done differently to save the day. Supervisor Horton likes the future to pay for a future benefit. That is why he thinks it would be better to borrow the money so the taxpayers in the future are paying for it.

Mr. McIntosh would rather pay the money out of his pocket today and pay less rather than pay for it over time and pay more. That is him.

Council Member Glenn asked about vehicle purchases in the future. There is a truck fund which they have had for years. They have never borrowed for a truck. They save the money to do it. Part of the 5% a year goes into the truck fund. That should get them where they need to be. They need to replace the 1994 now, they have a 1999 freightliner, 2006 freightliner. They have three class A pumper/tankers. They have a 2014 mini pumper – that has a different schedule and is expected to last in the range of 14 -18 years. The truck fund should build to cover those purchases. They have a 2002 rescue vehicle, a 2012 EMS SUV purchased (for \$8,000.00) used this year (they put \$3,000.00 into it), and a 1997 utility truck. Then don't ever plan to replace

the utility truck. If they don't have it, they don't have it. The next pumper will need to be purchased in 10 years.

Mr. McIntosh reviewed the history of increases. In 2008 the rate increased by 53% then back to 5% until this last contract where it was 2% and the Fire Company has been losing money. Council Member Glenn asked where will we go after the five years, back to 2%? Mr. McIntosh did not know. It depends on costs. He doesn't know if he will be there. Council Member Glenn asked about the fire district and it was explained that it would no longer be part of the town board's responsibility. The trucks, and building could be turned over to the district or leased to them. First this budget has to get done.

Mr. McIntosh explained the rates again. He knows he has to have 5%. For the first year the contract has to go up 18%, he still needs the 5% for everything else and to put money in the next truck fund. There is a more upfront cost the first year to pay off the truck in 10 years. We are at \$0.91. The contract would make the rate go to \$0.96. If financed the first year of the contract rate would \$1.08. Then an additional 5% going forward. As the valuation goes up the rate may go down. Mr. McIntosh noted it costs less to do the finances his way. On a property assessed for \$100,000.00 the increase would be \$53.00 payable one time. The other towns are waiting to see what Caroga does. If we don't go for it.... Then they would have to come back to the town. If the fire company folds everything goes to the town Mr. McIntosh stated.

At 6:44 pm the public hearing was closed.

Supervisor Horton asked the board for their thoughts. He noted there are two parts to the contract. The first part is the day-to-day costs to run the company, Part of the 5% gets put away for future purchases. They have budgeted for future expenses. The second issue is the fire truck and do we want to ask the taxpayers to pay for it at one time or ask the taxpayers to pay for it over time.

Council Member DeLuca noted in her 25 years in the fire company she has learned that this department has always tried to do its best for the taxpayers. As a taxpayer she feels the best idea is to pay the money upfront – one time. You don't know what will happen down the road. The fire company has never asked for more money than they need. Mr. McIntosh has been the gatekeeper and never allowed a purchase without showing the need.

Council Member Sturgess sees lots of people throughout the day 90% of them have something to say about what goes on in the town. Only one person has had a question about the fire contract and they were just being conservative, not negative.

Council Member Travis thought doing the purchase upfront that is how he and his wife run their finances.

Mary Jablonski was allowed to comment even though the public hearing was closed. She is very grateful for the fire department. Everyone relies on them. She thought the expense was definitely worth it. She thanks all the fire fighters. (Applause)

RESOLUTION #2023 – 065 to accept the Caroga Lake Volunteer Fire Company five-year Contract Proposal was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on July 12, 2023.

WHEREAS, the notice of the public hearing was in the Leader Herald newspaper on July 4, 2023, and

WHEREAS, a public hearing did take place this evening beginning with a presentation from Brian McIntosh – President and Treasurer of the Caroga Lake Volunteer Fire Company, and

WHEREAS, positive comments were received during the public hearing from the public, along with comments from the board members only one of whom talked about spreading the payments out over time for the purchase of a new fire truck, and

WHEREAS, in consideration of furnishing aid and the use of its firefighting apparatus and/or emergency equipment the fire company shall receive the sum of \$155,442.00 per year from the town to be paid by March 1st of each year, and

WHEREAS, in addition to the yearly fee for services, to assist in the purchase of a replacement fire truck the Fire Company will receive the sum of \$84,700 as a one-time payment to be paid by March 1, 2024, and

WHEREAS, the agreement shall be for a period of one year commencing January 1, 2024 to December 31, 2024 and shall be deemed renewed on the same basis each year thereafter for one additional year, for a total of five full calendar years for the remaining years until one of the contracting parties shall notify the other in writing on or before the 20th day of August each year that it elects to terminate the contract on December 31, in that year, the terms of this contract including renewal shall terminate December 31, 2028,

2025 - \$163,214

2026 - \$171,375

2027 - \$179,944

2028 - \$188,941 and

WHEREAS, The Fire Company will hold the Town harmless from any and all damages to persons or property incurred by negligence of the Fire Company, its volunteer firefighters or its assistant volunteer firefighters in the performance of this contract, and

WHEREAS, The Fire Company will provide the Town with a Certificate of Insurance showing the Town as additionally insured, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to Contract for Fire and/or Emergency Protection with the Caroga Lake Volunteer Fire Company.

Seconded by Council Member Glenn

Adopted by a roll call vote as follows:

Supervisor Horton - No
Council Member Glenn – Aye
Council Member DeLuca – Yes
Council Member Sturgess – Yes
Council Member Travis – Yes

At 7:11 pm the public hearing on proposed Local Law #1 a law granting Property Tax Exemptions to Volunteer Fire Fighters and Ambulance Workers pursuant to New York State Real Property Tax Section 466-a opened.

Mary Jablonski thought this was an important thing to do. These people put their lives on the line and thought it was a good thing to do for the firefighters and ambulance workers.
(Applause)

Council Member Glenn asked if that was a 10% reduction. Supervisor Horton replied we are not going through all the details but yes. What it is, is a five year.... The history is the governor signed legislation at the state level to allow the municipalities to pass a local law granting a tax exemption status up to 10% of their property, and to decide eligibility. We are looking at after five years any person who is a volunteer firefighter or ambulance worker would be eligible for the 10% reduction on their property tax. They have to own the property and it has to be their domicile. Supervisor Horton stated he pushed this through on the county level, so the other municipalities could follow form. This is what was passed at the county level to bring uniformity and fairness to all municipalities. The county voted on this unanimously. Supervisor Horton stated this was unfair to renters, and to firefighters and ambulance workers who live one place and work in another. You have to be a resident.

Mr. Russitano asked if after the five years say you serve 20 years but later retire do you still get the benefit. Supervisor Horton replied once they are inactive, “no,” but there were exceptions, retirement and survival spouse.

Council Member Sturgess asked if the person lives in Bleecker but volunteers in Caroga and Bleecker passes the legislation do they get the benefit. Mr. McIntosh stated his understanding is yes as long as Bleecker allows it. He stated we are a fire protection district and that district covers that area. If they live in Johnstown that would not be so. He expects this to change.

Mr. Hogan asked if there were guidelines for what an active member is. He is active in Cooperstown and Caroga. Some people you only see once a year. Supervisor Horton stated the fire company certifies who is active and who is not. Supervisor Horton wrote letters to the Governor, Senate, and Assembly about increasing tax deductions to make it more fair and just.

At 6:58 pm this public hearing was closed.

RESOLUTION #2023-066 ADOPTING LOCAL LAW 1 OF 2023 TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-A OF THE REAL

PROPERTY TAX LAW was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on July 12, 2023.

WHEREAS, proposed Local Law 1 of 2023 entitled, “A Local Law to Provide Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-A of the Real Property Tax Law” has laid upon the desks of the Town Council for the required period; and

WHEREAS, a public hearing was held on July 12, 2023, after due posting thereof and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That Local Law 1 of 2023, as attached hereto and made a part hereof, be and hereby is approved; and, be it further

RESOLVED, That the Town Clerk is directed to number said local law for appropriate recording and filing purposes; and, be it further

RESOLVED, That the Town Supervisor and the Attorney for the Town be authorized and empowered to do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, NYS Secretary of State, Fulton County Code, Town Budget Director, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Council Member Sturgess

Adopted by a roll call vote as follows:

Council Member Glenn – Yes

Council Member DeLuca – Recused herself from voting

Council Member Sturgess – Yes

Council Member Travis – Yes

Supervisor Horton – Aye

(Applause)

**TOWN OF CAROGA, NEW YORK
LOCAL LAW NO. 1 OF 2023**

**A LOCAL LAW TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR
VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO
SECTION 466-A OF THE REAL PROPERTY TAX LAW**

BE IT ENACTED, by the Town of Caroga as follows:

SECTION 1. LEGISLATIVE INTENT.

Volunteer fire and ambulance members provide our communities with valuable emergency and lifesaving services. Members spend countless hours and their own personal finances for the betterment of their services and their community.

In addition, by volunteering these persons keep local property taxes at a heavily reduced rate compared to areas with paid members. The Town Board finds it appropriate to recognize these volunteers for the countless hours they spend on behalf of the community as well as to provide a benefit and incentive for future volunteer service. This exemption only applies to the Town of Caroga portion of a property tax bill.

SECTION 2. AUTHORITY.

- (a) Pursuant to New York State Real Property Tax Section 466-a, the Town of Caroga shall offer a real property tax exemption for real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service or such enrolled member and spouse residing in said county.

SECTION 3. ELIGIBILITY.

- (a) Such exemption shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the county if:
 - 1) the applicant resides in the city, town, or village which is served by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service;
 - 2) the property is the primary residence of the applicant;
 - 3) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and
 - 4) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service; and
 - 5) the applicant has served at least five (5) years with the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service.
- (b) Any enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who accrues more than twenty (20) years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the county.

- (c) Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty may continue an exemption or reinstate a pre-existing exemption claimed under these statutes by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, to such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty; provided, however, that:
 - 1) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who was killed in the line of duty; and
 - 2) such deceased volunteer had been an enrolled member for at least five (5) years; and
 - 3) such deceased volunteer had been receiving the exemption prior to his or her death.
- (d) Un-remarried spouses of deceased volunteer firefighters or volunteer ambulance workers may continue an exemption or reinstate a pre-existing exemption to an un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; provided, however, that:
 - 1) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
 - 2) such deceased volunteer had been an enrolled member for at least twenty (20) years; and
 - 3) such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

SECTION 4. EXEMPTION.

- (a) Real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service or such enrolled member and spouse residing in said county and meet the eligibility requirements in Section 3 of this Article shall be exempt from taxation of ten percent of the assessed value of such property for county purposes.
- (b) If the volunteer has claimed a credit on their New York State income taxes pursuant to Tax Law §606(e-1), no exemption may be granted.

SECTION 5. APPLICATION FOR EXEMPTION.

- (a) Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board of real property tax services. The owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. Such property must be the primary residence of the volunteer or un-remarried spouse.

- (b) The authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service shall annually certify a list of enrolled members who are in compliance with the enrollment period minimum to the assessor's office, on or before February 1st of each year. This certification must include:
- (1) Name of the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service; and
 - (2) Signature of person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (3) Name of person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (4) List of volunteers with at least five (5) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (5) List of volunteers with at least twenty (20) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (6) List of volunteers that have died in the line of duty with at least five (5) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (7) List of deceased volunteers with at least twenty (20) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
- (c) Any applicant or person filing company, department or service certification documentation that is convicted of willfully making any false statement in the application or certification documentation for such exemption shall be subject to the penalties prescribed in the Penal Law.

SECTION 6. SEQRA DETERMINATION.

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(26) and (33) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required." [6 NYCRR Section 617.5(c) (26) and (33) apply to: "(26) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and "(33) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list"]

SECTION 7. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to

the person, individual corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

SECTION 8. REVERSE PREEMPTION.

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this law or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Fulton.

SECTION 9. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State, and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

Department Reports:

Wheelerville Bike Trail – Jeremy Manning noted for anyone who missed the presentation last month he will be doing it again on July 13th at town hall at 7 pm.

Right now, the trails are drying out after a very rainy couple of weeks. It is soft and the trails were closed one day this week. They are working on two trails and there are two more they will be working on for a total of four this year. They are getting ready for the 2nd Annual Festival on August 12 & 13th. They are working on the skills kid park with the Saratoga Shredders. This will be on the second day of the festival. Supervisor Horton said continue to watch the website the construction progress is very interesting. Mr. Manning stated they are working on the commemorative trail. There is a very talented guy from Michigan working to build along with Eli.

Council Member Travis asked about the bridge. Mr. Manning stated that won't be worked on right now. He was looking to have it be part of the grant but he was advised not to do it now, because other trails have to be completed at the time of the application. He still has plans for it.

BTI – Mike Kunath reported there are 2 ½ weeks left to the BTI program as far as when they can treat larva. They are still finding larva in some of the larger streams. Right now, it is getting a jumpstart on next year's early hatch. He wants all of his staff to go out one more time to catch up on things. The rain has made the water high. Mr. Kunath applied to DEC and was approved to be a course instructor for pesticides. So, he will be able to teach the class for new employees.

He has not reviewed the inventory yet. "We have plenty to finish the year." He will check with everyone at the end of July. They all take it home with them. He will be ordering before the end of the year to avoid a price increase. Supervisor Horton thought that would be good to do if there is money in the budget. It was noted that the smaller containers are now available.

Sole Assessor – Leigh Anne Loucks submitted a written report and was in attendance. She gave the board templates for Local Laws on Solar Farms. They are coming and the town needs to make a decision. Companies could soon be filing letters of intent and if there is no law, they could be wholly exempt. With the exception of the fire department. Right now, a 2 ½ megawatts

farm would run the town about \$3,500.00 just in tax revenue. If the town had a pilot, it could be 50% with 5% added on for ten years. Years 11 – 15 are flat you pay on the full valuation. In another pilot the town cannot make the amount over the \$7,000.00 a year the town would get based on this year's tax rate.

Supervisor Horton asked how much time we have to enact this. The assessor stated you have time but most of the towns in Montgomery County did this back in 2016. She was not aware that solar farms were allowed in the Adirondack Park. She noted they are coming in and you want the town to get their benefit too. The Supervisor wanted more information for the next meeting. She noted the information was sent out to the board members.

The Assessor noted there were two errors on the roll which was filed with the clerk on July 1st 2023. The county was notified. The Assessor is still interested in a meeting with the town board about the Board of Assessment Review happenings. It still has to be discussed.

The Assessor noted she will be doing online classes next week at home. The topics are Air B & B's, and land valuations for land under water.

Town Clerk/Tax Collector/Registrar/RMO – The clerk submitted the monthly financial report. The clerk took a day off and the office has been extremely busy. Doe permits will be available on August 1st.

The clerk let the board know that she has been taking care of administering the drug program to test our highway employees for several years without pay. Next year the clerk would like a stipend for that. Today a lot of time was spend working on a situation and she needs to be compensated for the work she does. The clerk stated she makes sure the drivers are covered and the town is protected.

Council Member DeLuca asked if this was the duty of the highway superintendent or the secretary. The clerk replied no. In the past a town supervisor did it and the ball got dropped. The Clerk noted the follow through is very important. She noted to Council Member DeLuca “you don't want the fox guarding the hen house.”

Code Enforcement & Sanitation – Mr. Fancher could not be here. For the month of June, he received \$6,300.00 in permit fees for an estimated valuation of \$1,830,137.00 for the construction work. A member of the public wanted to ask a question but was told to wait.

Dog Control – The clerk had no report but Mr. Dutcher was in attendance. He reported that he responded to 13 calls for the month. Most of the calls were due to fireworks. There was one dog bite this month.

Supervisor Horton asked if he was aware of the Health Department wanting all of the towns to also have an animal control officer. Mr. Dutcher replied he didn't think that will never happen.

Golf Course – Council Member Sturgess stated that Mr. Stedman is at a meeting for a benefit golf tournament that is coming up. In a note he stated LOTS of rain. He hasn't run the irrigation

pretty much in the last three weeks. No repairs needed at this time. Fertilizer will wear off mid-August. A low rate will be applied to fairways toward the end of August. Tees and greens have been moved to liquid fertilizer at this time. Chemical aft screens are sprayed every 18 – 21 days. Fungicide and moss control continue to be sprayed with herbicides. Fairways, collars and approaches continue to be sprayed with herbicides. Only fairways are left.

Projects – there will be an emergency ditch clean out on 18 early next week. Council Member Sturgess was sure the course was ahead \$16,000.00 from last year. It is doing really well considering all the rain. Supervisor Horton stated last week was the largest revenue week that we've had since he has been here.

Highway – Supervisor Horton stated the storms have caused lots of washouts. Mr. Voght is doing the best he can to get them back up and serviceable.

Lakes Management Program –Mr. Hogan has had new computer problems. He reported last year in June 300 bushels were removed. That was a low number and this year is lower at 134 due to weather, thunder and lightning. He had two motors quit. They are 15 years old. These get 15 – 20 hours a week put on them. He has priced them from Reets in Mayfield and Canada Lake Store and Marina. The quotes were on state contract. His crews are working well. East Caroga growth appears to be less. His biggest concern is West Caroga Lake. They just had its largest bushel removal day in the history of the program. One hundred bushels were taken out of the “football field” milfoil patch. The patch is along Vrooman Road. The harvester has been there for three days. They have an area on the north shore to harvest and a new patch was discovered on the east shore. It is important to keep the program going.

The town has applied for an herbicide grant program. The award announcement was to be made in April. It should be next week or so from what he has heard but nothing definite. If we don't get the grant the town still needs to find a way to finance a pilot program for ProcellaCOR anyway. The one comment he hears is what are the long-term effects. We don't know 10 years down the road. We have to try something for next year.

Mr. Hogan has been in contact with Glenn Sullivan of Solitude Lake Management and has a services contract from them. They think the cove off Avery Road and the campsite should be included.

On Friday June 21st Glenn Sullivan will be here to do a public forum on ProcellaCOR – the pros and cons of its use. The public is invited to come and ask questions. East and West Caroga Lake Associations have been notified of the meeting. It is on the website.

Mr. Hogan announced the East Caroga Lake Environmental Association donated \$1,500.00 to the town towards the new boat motors. (Applause)

It was asked if the other lake associations were notified of the meeting. Mr. Hogan replied we don't remove anything from those lakes. The information will get out there so everyone knows about the meeting.

A member of the public stated there are weeds up at Stoner Lakes that are out of control, aren't those taxpayers paying for the weed harvesting. Supervisor Horton asked for comments from the public to wait until business is taken care of. The clerk thought that the herbicide was only for the removal of milfoil. All of the weeds cannot be removed from the lake she noted. (The supervisor used the gavel.) Mr. Hogan stated he has one of the motors already.

Mr. Harazin reported it looks like an increase in numbers of boats being inspected. The numbers are not back from the Adirondack Water Shed Institute yet. He is excited about the Jr.

Steward training certificate program. The clerk has asked about this for two years. We are one of the only lakes in the Adirondacks doing the program. A trainer will come down from the Adirondack Institute, Colleen Ricciardi will coordinate attendance for the kids in the summer recreation program. Watersheds, keeping the lakes clean, and responsible boating will be discussed. Information on invasive species will be presented. There will be buckets of milfoil and other native weeds. Boats will be there showing the deacon station in operation. Maybe next year the kids can go on a boat ride to see the harvester in operation.

Again, Council Member Glenn announced the meeting on Friday July 21st at 6 pm at town hall. He noted later in the meeting there is a resolution to contract with Solitude Lake Management.

Council Member Sturgess asked if other lakes (Pine Lake, Stoner Lake, Canada Lake) been tested for milfoil? Or do those other lakes just have native weeds. Mr. Harazin stated that on Canada Lake has been surveyed for weeds. He knows from time-to-time Peck Lake and others were surveyed. Those other lakes don't have invasives. He knows that the Mohawk River, the Sacandaga, Speculator, and Rockwood Lake have invasives. Council Member Sturgess talked to someone in his store last week who was kayaking the loop (doing a loop around every lake in the Adirondacks) He told them to make sure they wash their kayak. It would be good to know which lakes have a problem.

Council Member Glenn invited and encouraged everyone to come to the meeting on Friday July 21 with the representative of ProcellaCOR. He welcomed their input and concerns.

Town Hall Building – Council Member Travis reported we are all ready for summer recreation. There are 50 children here. The water tests have all been done.

CTC (former PLRT) – Council Member DeLuca – The next meeting is on July 20th they are working on some projects but had not met since the last town board meeting. Council Member DeLuca proposed that the number of members be increased on the Caroga Tourism Commission (CTC) back to seven members.

Short Term Rental Committee – Council Member DeLuca stated the document was not prepared in time by the town attorney. There were questions regarding the wording of the document. It has to be given to the town board ten days prior to a meeting. The document will be on their desks very soon so we can discuss this at the next meeting.

Supervisor's Report:

Supervisor Horton stated there were some questions about zoning. He noticed that the highway commercial zone in our ordinance is only about 100 feet deep, which makes most of the properties undevelopable as highway commercial. Due to this, properties can have a parking lot and a building, or a leach field and a parking lot or a leach field and a building but they cannot have all three. He talked to the Planning Board Chairman and he said they had given the town some recommendations on some other things. Hopefully the supervisor said at the next meeting some zoning changes that might help with standalone accessory structures, which have been an issue in town, could get cleaned up.

Council Member DeLuca asked if the highway commercial (HC) was zoned by the state. She asked if the town had to get in touch with the New York State Department of Transportation

(DOT) to change things on the state highway. The Supervisor replied, “the answer to that is no.” The town has already submitted a plan to the Adirondack Park Agency (APA) and the APA has approved it. A long time ago the APA came up with the zoning districts in the town.

Council Member DeLuca asked again if DOT had jurisdiction over highway commercial. Supervisor Horton replied not over the zoning. They have jurisdiction over curb cuts, and setbacks. Supervisor Horton explained that currently if you have a piece of property that is 100 feet wide and 300 feet deep in highway commercial there is a line that has no definitive distance. It is just on the map and the code officer has to make a judgement as to where the line is. Instead of the highway commercial zoning being 300 feet deep the HC part of that may be compromised and be less than 300 feet making it difficult to develop. Council Member Sturgess stated the whole parcel is not highway commercial is what the supervisor is getting at. The Supervisor stated it is bad zoning whenever you split the zoning districts and don’t use property lines. Supervisor Horton wanted to look at all of the highway commercial properties and change it to what the APA originally had. Council Member DeLuca stated we have to amend our zoning laws. She asked if this was done by resolution, or through the county and do a law. Supervisor Horton replied according to the Planning Board Chairman all we have to do is a resolution.

The Town Clerk, and Council Member DeLuca stated that was not correct. You have to have a public hearing. The changes have to go to the Adirondack Park Agency and to the County.

****Public Comments and Questions**

A member of the public stated that in coming to the meetings she has noticed that the code enforcement report only gives the revenue brought in. It seems to her that that is not the sole responsibility of the code enforcement officer. She does not know how many building permits were issued, how many were rejected, how many code actions were brought. That was not the focus of what the code enforcement officer should be doing. She asked the board to have him give more details in his reports.

Joanne Clark stated her father bought the camp on Kasson drive in 1946. She has three concerns: She asked why they no longer have street lights on Kasson Drive. There are people who can’t see well and night while driving. It is pitch black. The second item was the stream bed that belongs to her neighbor. She used to play in it as a child with her brother. It became overgrown. Her brother called her last fall to say it was being filled in. The neighbor is happy because he has more space to park cars. She doesn’t believe there was a permit. She also stated the culvert under Kasson Drive is totally blocked, water is pooling along the road and it is stagnant so there will be mosquitos. In the spring a neighbor told her the water is up to the property line. She stated the owner is responsible for keeping the culvert open but does not. The third issue is the excavation site (on Kasson Drive) there are no permits, the owner of the property said he did not need a permit except when he builds his house. Her concern – she doesn’t like to look at it, rocks may fall. He has excavated right up to the lot line with his neighbor. He has taken down trees there is no privacy on either side anymore. It was said the neighbors can plant trees but why should they have to. She has a piece of paradise and someone comes along and builds a parking lot. She doesn’t understand why nothing’s being done about it. (Applause)

Mr. Lord of 357 East Stoner Lake Road has a concern about an ongoing issue. There is a delinquent property and no action is being taken. The problem started in 2016, the property was

cleaned up somewhat. Then he noted to the code officer last year about the deterioration of the building. But nothing got done. He came to the board meeting last September; he sent correspondence to the board. This week he filed a complaint with the code officer. Someone was contacted to do the cleanup but they were waiting for money to be transferred to do the job. That was a month ago. He thinks this will go on until September when it will be too cold to do anything. Then we will go into year 3 on this complaint. He asked the board to do whatever they have to do to get the building inspector to file a citation. Until that happens this will be an ongoing issue. Mr. Lord was a building inspector for 30 years; he stated negotiating with people does not work until you get the backbone and take some action nothing is going happen. You have to make a decision, are you going to enforce your laws or not. (Applause)

Supervisor Horton asked for the address of the property. It is at 353 East Stoner Lake Road. Council Member DeLuca stated that she began working on this last October with Code Officer Fancher about that property, along with a couple other properties. She can resend the emails regarding this situation if the board needs them. Council Member DeLuca stated a warning has been sent to the property more than three times. Mrs. Lord stated that our law says after the 3 warnings then they are fined. But nothing has happened.

Rebecca Cook lives on Summit Ave. is a 30-year resident. There are huge boulders/rocks covering the culvert pipes. The road washed away in the big storm. There is glass all over the road, the road has not been swept in three years. Ms. Cook stated she is getting property damage and it is not right. She is a year-round resident. The Highway Superintendent keeps promising he is going to get to it. She only comes to a meeting when there is a problem. She has talked to the highway superintendent about this a year ago. Council Member Sturgess agreed with her the road needs work. He noted this was talked about at last month's meeting by another resident of that road. This is the second meeting in row that someone has been here from Summit Avenue.

Marcus Harazin is the President of the Canada Lake Conservation Association. He is representing the 300 taxpaying members. "The bylaws direct us to protect watershed and surrounding environment." We respect the Town Board and enjoy working with you to protect these important natural resources of Caroga. He is coming to the board with a concern about the application of safeguards to the environment. They are not opposed to any owners who rehabilitate or develop as long as all of the rules to protect the environment and safety are followed.

Specifically, he wanted to bring to the boards attention that there may be safety, drainage, run-off, and other problems associated with the excavation project underway on Kasson Drive. The vegetation has been removed right down to the road and a rock pile now runs down on top of bed rock to the road. This creates drainage challenges now and in the winter and possible safety problems on a road frequently traveled by children and residents. "The precedents we allow today become the rule of tomorrow and problems that are hard to fix."

Mr. Harazin noted these Town Zoning rules: "No project should be undertaken that would have an undue adverse impact upon the natural, scenic, aesthetic, ecological wildlife, historic recreational or open space resources." In addition, the rules speak to instances that require a permit or DEC Environmental Assessment prior to site action.

Mr. Harazin shared a variety of concerns from members of the CLCA. He urged the board to take them into account with this project, significant clearing has been done with no building permit or site plan in conflict with the town zoning regulations. The safety on the road due to falling rocks as the rock pile being constructed comes right down to the road and stones are on bedrock. Concern; that falling rocks may cause an adverse change in the existing level of traffic or impact the existing road and shoulder of the road which is used by young children and other for walking and biking. That excavation has made a significant visual change to the area. Hopefully, this can be mitigated going forward with the project.

There are many concerns about the impact to the character and quality of the existing community, environment, and natural resources, in particular the aesthetic nature of the shoreline development through the removal of all the trees and scarring of the roadside land which is out of character of the entire lake landscape. Possible erosion as all vegetation including all trees down to the road have been cut down. The site preparation is down to bedrock all the way to the road, that there is possible run off down the steep bank across the road and into the lake. Drainage culverts along the road are now crushed and not functional and this will result in seasonal drainage problems now and in the winter.

As stewards of the Town, Mr. Harazin knows that the board wants to protect Caroga and he urged the board to make sure the rules are followed and that a site plan is submitted, a thorough review conducted, and Environmental Assessment is done if required, and the project is permitted before work proceeds. He did not think any similar work is done anywhere without a permit.

In closing he also did not think that the board members would like a similar approach taken next to their house or camp. (Applause)

Karen Dutcher stated she is a member of the Planning Board. She has wanted to address the board for a very long time. She is very disappointed in the board as a Planning Board Member because of what she is hearing including what is going on at Kasson drive. The code enforcer is allowed to do whatever he pleases. He stated to her that he is the planning board, so why do we need a planning board she wondered. She has come to the town clerk and has filled out Freedom of Information requesting permits. She then consults the zoning ordinance and the rules are not being followed. One person has to go for a site plan review and another doesn't have to. Something has to be done. There has been work going on her road – Morey Road for the last three years there has been excavation on North Shore Road and this has not come to the Planning or Zoning Board. She was embarrassed to be standing up here this evening. (Several members of the public gave encouragement) Anthony needs to be spoken to, something needs to be done. Someone said “fire him” – another said “get rid of him.” Mrs. Dutcher made a comment that he has been arrested in Northville for taking bribes. Supervisor Horton used the gavel and told her she was out of line. She has tried to get people to listen but no one does. (Applause)

Alan Farber of Sand Point Road had two topics to talk about. In March the town board approved a revised second printing of Barbara Mc Martin's book. It is now available for purchase at the museum and should be available to the town if they want it. He presented a copy of the book to the Town Supervisor.

This morning Mr. Farber sent emails with two complaints on the issue we are dealing with this evening. One is on London Bridge Road and the other on Kasson Drive. His issue is not with the residents doing the work, his issue is with the code enforcer. He is not being consistent and not following the letter of the law. His complaints are based on looking at the zoning ordinance. He has also sent Freedom of Information requests to the town, (the clerk was thanked) they showed he was not consistent and not following the rules. Mr. Farber brought this up last year with the London Bridge issue. He never got a response from the code officer on this. Mr. Farber received the FOIL responses from the town but he is concerned with what he is not getting/seeing. He is not seeing renewed permits; he is not following the record through. He asked the code officer to respond to his specific complaints in writing. (Applause)

A resident of 133 Point Breeze Road said that over the year the road has been expanded from 29A onto his land. For clarification the road is being widened. He stated the road is up to the culvert that connects to Mud Lake. The water is coming off the road and going down his driveway and through buildings. He asked who he should contact about crowning the road even as it turns onto Pt. Breeze Road. This is due to the width the town has taken. He understands about the recent rains this past month. He noted the opposite side of the road has no homes so the water could be redirected to that side. He stated the vegetation has been cut on his side of the road. Council Member Sturgess suggested talking to the Highway Superintendent Larry Voght. Supervisor Horton stated it is a drainage issue. It was suggested that he send an e-mail to Supervisor Horton.

(Virtually) Alan Fiedler commented about the excavation being done on the vacant lot on Kasson Drive. Four other people have already commented on this. It is a very unfortunate situation. It has been clear cut and there are boulders everywhere. He has no concern over the ordinances and regulations he is obligated to enforce. Mr. Fiedler stated if he doesn't want to enforce them, he should be fired. If he is not fired it is going to become worse for the town. We have had problems before when things have been built with a lack of enforcement. Lawyers get involved and town lawyers get involved and there is taxpayer money flying and it is no fun for anybody. You need to pay attention to our ordinances and laws. The state will get involved if need be. It is just a bad situation. He's learned tonight, and it sounds right to him, that the problems start with Code Enforcement Officer and this has got to stop. (Applause)

Sherry Buchner has been at Canada Lake since 1958. She stated the rocks piled up look like the Grand Canyon. This property borders hers on two sides. He has done extensive and extreme and a disgusting job of ruining our mountainside. She has had the property surveyors come up today. He may be just within his rights to dig where he is digging. She is concerned about the erosion especially with the 100-year flood recently declared by the Governor. Where he has dug into the mountain that is going to come down. A rock did come down the other day and almost hit a car. There are definitely safety issues here. If the code enforcer is not going to take a look at it, who is going to look at it. The code officer stated the APA said this was in compliance. Supervisor Horton asked Ms. Buchner to address the board. Ms. Buchner stated she was concerned about the legality of this. There are large trees up on the hill. The person excavating said he left enough vegetation the trees will never fall down. She was asked to make her point by the Town Supervisor. She would like each board member to be the steward of these beautiful

mountains and lakes that we all so love. She can't believe someone would do this type of damage to our countryside without so much of a permit. (Applause)

Mrs. Corr shared in her concerns. She also lives on Kasson Drive. Mrs. Corr did come in and talk to the code enforcement officer and she was very, very troubled. Every tree is gone. It looks like a rock pile to her. She asked if a permit was needed. In the Adirondack Park within 75 feet of the lake you would permit before you started excavation. The code officer said he was going to need a permit when he built the house. She was not sure how a house could be built up there. That is the owner's plan. A permit will be needed for a septic. She couldn't see where a septic tank or leach field could go up there. She thought we were jerry rigging the situation by allowing the clearing of the space. He will have spent the money so the town will have to give him a permit for the septic. She did not know how any truck could get up there to empty a septic tank and turn around. The whole situation is troublesome from an environmental perspective. (Applause)

Anita Long wanted to add one more point. She thought that people were concerned about the code officer not enforcing the rules, but in the fall, Jennifer Blowers was at the site and was ready to issue a stop work order. Anita Long stated, yet this board and this supervisor who removed her from her position have a responsibility for what has happened in this situation. (Applause)

Alan Fiedler (virtual) to amend his comment – The town needs to issue a stop work order immediately and we can straighten this out over time, but the first order of business is a stop work order. (Applause)

A member of the public asked if what Ms. Long said was true. Supervisor Horton replied no. He stated the town board did not remove her for cause. The Town board decided that we didn't need two code enforcement officers. Mrs. Dutcher stated she was following the rules and Anthony (the code officer) didn't like what she was going by. Again, it was stated that she was not fired.

The resident of 124 Jung Road complained about a project on the corner of London Bridge Road and Kasson Drive that has been ongoing for three years. The site is a dump site. The house is being renovated. The same person owns another parcel across the street that is also incomplete. Basically, both places look like dumps. He does not understand why permits keep getting issued to the same person when they have not completed the prior project. Council Member Sturgess injected that they are not the same person. It is two different people. He originally owned the parcel being excavated now. It was asked if the permits are public information. It was stated they are public information. He agreed the project on Kasson Drive – it is horrible what is happening there. The house on London Bridge Road has a huge pile of dirt in front of it. The owner encroached onto his property and cut his trees. Finally, he had the land surveyed but that project remains unfinished. (Applause)

Old Business:

Determine number of Caroga Tourism Commission members
Franchise agreement with Spectrum Northeast LLC expired in 2020

New Business:

Correspondence:

Notice of completion of Continuing Judicial Education for James J Subik

Notice of Policy Conditional Renewal with NBT Insurance Agency

Workers Compensation 2nd Quarter Assessment Information

Letter from Caroga Arts Collective asking for permission for a Fireworks display on 9/2 (no paper work submitted as of 7/7/2023 from Majestic)

CFA Applications Due July 28th at 4 pm.

Notice from Nick Stoner Trailers Inc. Land use agreement

At 8:23 pm Council Member DeLuca made a motion to enter into an executive session regarding Highway Collective Bargaining and the employment history of a particular person. Council Member Sturgess seconded the motion. All board members were in favor of the motion, Horton, Glenn, Sturgess, DeLuca, Travis.

At 8:45 pm Council Member Glenn made a motion to exit the executive session. Council Member Sturgess seconded the motion. All board members were in favor of the motion, Horton, Glenn, Sturgess, DeLuca, Travis.

There were three people in attendance along with Mr. Hogan after the board came out of the executive session.

RESOLUTIONS:

RESOLUTION #2023-067 to approve a Fireworks display by Majestic on September 2nd sponsored by Caroga Arts Collective was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on July 12, 2023.

WHEREAS, the town received a letter dated June 26, 2023 from Kyle Price Founder and Artistic Director of the Caroga Arts Collective requesting permission for a fireworks display on September 2, 2023, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to approve a fireworks display put on by Majestic Fireworks Inc. 29 College St, Clinton, New York at the Labor Day Weekend Celebration Concert sponsored by the Caroga Arts Collective with the display taking place on land being used across the county highway behind the post office.

Seconded by Council Member Sturgess

Adopted by a vote of five Ayes, Horton, Glenn, DeLuca, Sturgess, Travis

RESOLUTION #2023 – 068 to approve a Land Swap with Nancy Rhodes was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on July 12, 2023.

WHEREAS, resolution #2023-053 was approved at the June 14th 2023 regular monthly town board meeting calling for a public hearing on a land swap due to the proposed layout of the new clubhouse and maintenance shed which was to the far east of the boundary which would have required the town to go to the Zoning Board of Appeals, and

WHEREAS, Supervisor Horton talked to the property owner, who is amenable to swapping about 8000 square feet of land (that the town has been using) with the town, and

WHEREAS, the town has a survey map of a lot line adjustment of lands of Alan C. & Nancy L. Rhodes and the Town of Caroga done by Environmental Design Partnership LLP - Timothy J McAlonen, PLS for parcels 68.00-1-21 owned by the Town and 68.06-1-3.2 owned by Alan C. & Nancy L. Rhodes, and if approved a map of meets and bounds will be created, and

WHEREAS, a public hearing was held on July 12, 2023 with two people expressing concerns about the project, and

WHEREAS, this resolution is adopted subject to a permissive referendum pursuant to Town Law Section 64(2), now therefore be it

RESOLVED, by the Caroga Town Board of the Town of Caroga, Fulton County, New York does hereby move to approve a land swap with Nancy Rhodes by a favorable vote of not less than two-thirds of all the members of the Board.

Seconded by Council Member Sturgess

Adopted by a Roll Call Vote:
Council Member DeLuca – No
Council Member Sturgess – Yes
Council Member Travis - Yes
Supervisor Horton - Yes
Council Member Glenn – Yes

RESOLUTION #2023-069 to approve the Highway Collective Bargaining Agreement was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on July 12, 2023.

WHEREAS, Supervisor Horton has met on several occasions with an attorney for the town, the highway employees and a representative (s) of the Teamsters Local 294 affiliated with International Brotherhood of Teamsters 890 Third Street Albany NY, and

WHEREAS, the agreement shall be in effect from March 6, 2023 to December 31, 2025, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to approve the 13-page document with Attachment A stating rates of pay, and a signature page that being #14.

Seconded by Council Member Glenn

Adopted by a Roll Call Vote:
Council Member Sturgess – Yes
Council Member Travis - Yes
Supervisor Horton - Aye
Council Member Glenn – Yes
Council Member DeLuca – Yes

RESOLUTION #2023-070 to make the following budget adjustments to maintain a balanced budget was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on July 12, 2023.

WHEREAS, the Town of Caroga received a donation from the East Caroga Lake Environmental Association for the exclusive use for the purchase of a motor for the weed program, and

WHEREAS, the bookkeeper Joanne Young has indicated that it is necessary to make a budget adjustment to maintain a balanced budget, now therefore be it

RESOLVED, that the following transfer be made.

FROM: A2705 Gifts and Donations	\$ 1,500.00	
TO: A8090.2 WEED equipment		\$ 1,500.00

Seconded by Council Member Sturgess

Discussion: Supervisor Horton thanked the East Caroga Lake Association. Council Member Glenn wanted to have a proclamation of appreciation made up for them. Supervisor Horton wanted to do it when more people are in attendance.

Adopted by a vote of five Ayes, Horton, Glenn, DeLuca, Sturgess, Travis

Council Member Glenn stated the following proclamation in Appreciation to the East Caroga Lake Environmental Association for their kind donation of \$1,500.00 toward the purchase of two outboard motors for the weed program. The clerk will create the proclamation.

RESOLUTION #2023-071 to recognize the outstanding dedication, initiative and service of golf course staff member Ed Bauman and award a merit raise of 3% effective the first pay period in August 2023, was offered by Council Member Sturgess at the regular monthly meeting of the Caroga Town Board held on July 12, 2023.

WHEREAS, golf course committee person/Council Member Richard Sturgess wishes to recognize the outstanding dedication, initiative and service of golf course staff member Ed Bauman, now therefore be it

RESOLVED, that Ed Bauman be awarded a merit raise of 3% effective the first pay period in August 2023.

Seconded by Council Member Glenn

Discussion: Council Member Sturgess stated he was not opposed to the raise but noted that Mr. Cummings has to stay within his budget. There is an employee who is no longer working there so Mr. Bauman has stepped up a lot to cover that employee. He did work for the town last year as well. Council Member Sturgess did not think this seasonal employee got the cost-of-living raise. Council Member DeLuca stated the board voted for cost of living raises for everyone when we did the budget. This employee did get a raise over last year it was noted. Council Member DeLuca was opposed to this resolution. He already received a 3% increase and we all work very hard. Sometimes that's just what you do. Council Member Travis was afraid this would open a can of worms. It was noted the clerk, highway superintendent and the highway employees go above and beyond. Supervisor Horton noted the highway employees have a union contract. The supervisor examined the budget for the amount spent year to date for salaries in the club house. As of the end of June \$7,748.00 of the \$20,000.00 had been spent on payroll expenses in the clubhouse. This last month the payroll expenses were \$3,272.40. Council Member Sturgess noted Mr. Manning came in looking for more money for his lead operator. The way he looks at it is you have a department head saying this employee has gone above and beyond. Supervisor Horton replied there has been increased sales.

Adopted by a vote of four Ayes, Horton, Glenn, Sturgess, Travis,
Council Member DeLuca voted against the resolution

RESOLUTION #2023-072 to purchase two motors for the Weed Harvesting Program from A8090.2 Weed Equipment was offered by Council Member Glenn at the regular monthly meeting of the Caroga Town Board held on July 12, 2023.

WHEREAS, the town received a donation of \$1,500 from the East Caroga Lake Environmental Association, and

WHEREAS, Supervisor Horton presented information on state contract pricing for identical motors, one in the amount of \$2,399.00 and \$2,339.00 the \$60.00 difference is labor to install the motor, and

WHEREAS, Supervisor Horton noted the line item before the donation had sufficient funds to pay for these two motors, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to purchase two 25HP motors from account A8090.40.

Seconded by Council Member DeLuca

Discussion: Council Member Sturgess reminded the board that a resolution was made to shop local when possible. He doesn't think the \$60.00 from a local dealership is a big difference in price. The extra cost is to install the motor the other is not. It was noted that the motor from Mayfield (REETS) has been received as it was an emergency. Otherwise, the harvesting program would have been shut down. The other motor is from Canada Lake Marina.

Mr. Hogan explained that he had three conversations with Brett Fielding he gave a price but had no motor. Then he called Mr. Dutcher and he could get us a motor. Somewhere in the process Bill Fielding must have spoken to his son about taking care of the town's business. He came down on the fourth of July to fix one of the motors and promised he would get the other motor right away. Mr. Hogan stated he was wrong to tell Mr. Dutcher to order that motor but we needed it. Council Member Sturgess noted we have to stay within the procurement policy. The Supervisor can approve purchases under a certain amount. Mr. Hogan noted originally the price at REETS was \$3,200.00 but the secretary did not know about state contract price. The price was corrected. He is going to Mayfield to get the motor tomorrow and will install it themselves.

The clerk noted the voucher that is in the bills will have to be changed to reflect the state contract price of \$2,339.00.

Adopted by a vote of five Ayes, Horton, Glenn, DeLuca, Sturgess, Travis

RESOLUTION #2023 - 073 to contract with SOLitude Lake Management Program was offered by Council Member Glenn at the regular monthly meeting of the Caroga Town Board held on July 12, 2023.

WHEREAS, Council Member Glenn offered this resolution to enter into a pilot program using the herbicide ProcellaCOR in East and West Caroga Lakes at a cost of \$6,500.00 to be paid 50% due on November 30, 2023 and the balance upon submission of our application to the Department of Environmental Conservation & to the Adirondack Park Agency possibly in February of 2024, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to enter into a contract with SOLitude Lake Management LLC, 1320 Brookwood Drive Suite H Little Rock AR 72202 and contracts going to 2844 Crusader Circle, Suite 450 Virginia Beach VA 23453, with the funds coming from A8090.41.

Seconded by Council Member Sturgess

Discussion: Council Member DeLuca asked if the \$6,500.00 was for East and West Caroga. It is a pilot program – not for the whole lake. Supervisor Horton thought this was for surveying. Mr. Hogan explained that this is the cost to get the permit. It is not the cost of the herbicide. He stated we cannot do anything until next year. Council Member DeLuca asked if there was money in his budget. Mr. Hogan is hoping to get a grant for this. Mr. Hogan stated that Supervisor Horton and Council Member Glenn feel that even if we don't get the grant, we need to go down this road. We have to look at the use of a herbicide to take care of our (milfoil)

problem. We have to at least do the pilot to find out if it works. Mr. Hogan stated he may have money in the budget for this. Supervisor Horton stated for the end of June the contractual expense the budget was \$12,400.00. Year to date we have spent \$782.98.

Adopted by a vote of five Ayes, Horton, Glenn, DeLuca, Sturgess, Travis

Council Member DeLuca made a motion to approve the Town Board minutes of the May 10, and June 14 meetings. Council Member Travis seconded the motion. All board members were in favor of the motion, Horton, Glenn, DeLuca, Sturgess, and Travis.

RESOLUTION #2023-074 to change the number of members serving on the Caroga Tourism Commission was offered by Council Member DeLuca at the regular monthly meeting of the Caroga Town Board held on July 12, 2023.

WHEREAS, Council Member DeLuca desires to change the number of members serving on the Caroga Tourism Commission back to seven, now therefore be it

RESOLVED, that the number of members serving on the Caroga Tourism Commission is hereby changed back to seven.

Council Member Glenn seconded the motion.

Discussion: Supervisor Horton asked for the terms. It was noted that Sue Collins was appointed at the May meeting. Council Member DeLuca tried figuring out the terms for the two additional members.

All board members were in favor of the motion, Horton, Glenn, DeLuca, Sturgess, and Travis.

Council Member DeLuca began to make a resolution to appoint Sue Collins but the clerk stated it was done at the May meeting but the minutes weren't approved because the terms could not be decided upon. Supervisor Horton stated we appointed someone when there wasn't a vacancy. It was stated that the appointment wasn't proper. Council Member DeLuca agreed it wasn't. She wanted to change the number of members because Sue Collins volunteered to join the group. When Council Member DeLuca asked to add another person to the commission, she was told she couldn't do it because it was only a five-member committee. This is why she wanted to increase the number of members to seven.

RESOLUTION #2023-075 to appoint Sue Collins to the Caroga Tourism Commission was offered by Council Member DeLuca at the regular monthly meeting of the Caroga Town Board held on July 12, 2023.

WHEREAS, Council Member DeLuca desires to appoint Sue Collins to the Caroga Tourism Commission with a term of five years to expire on December 31, 2028, now therefore be it
RESOLVED, that Sue Collins is hereby appoint to the Caroga Tourism Commission with the term expiring on December 31, 2028.

Seconded by Council Member Glenn

All board members were in favor of the motion, Horton, Glenn, DeLuca, Sturgess, and Travis.

Council Member Sturgess then began to count the years. The terms are staggered with one person's term expiring each year. A discussion ensued, and the matter was tabled until it is figured out.

As a result of the executive session the board set a special Town Board meeting for July 26th at 6 pm for the sole purpose of discussing an employee. Supervisor Horton made the motion. The clerk thought there was something going on July 26th. Supervisor Horton stated he only had a capital project meeting for the county. The motion was seconded by Council Member Sturgess. All board members were in favor of the motion, Horton, Glenn, DeLuca, Sturgess, and Travis.

Supervisor Horton made a motion to approve the bills as presented for audit. Council Member Sturgess seconded the motion. It was noted that in the general fund the payment amount of voucher #217 to REETS Boat works is reduced to \$2,339.00. All board members were in favor of the motion, Horton, Glenn, DeLuca, Sturgess, and Travis

At 9:18 pm Council Member DeLuca made a motion to adjourn. The motion was seconded by Council Member Glenn, all board members were in favor of the motion, Horton, Glenn, DeLuca, Sturgess, and Travis.

Submitted by the Caroga Town Clerk

Linda Gilbert RMC, CMC

General #'s 195 – 224 - \$14,335.31

General Park #'s 50 - 64 - \$3,673.30

Highway #'s 70 – 81 - \$20,045.68

Prepaid #'s 177 – 205 - \$27,677.30